

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TOMMY L. FENLEY, individually and on behalf of all others similarly situated, : Civil Action No.: 2:15-CV-00259-MRH
Plaintiff, :
: Judge Mark R. Hornak
v. :
: ELECTRONICALLY FILED
APPLIED CONSULTANTS, INC., :
Defendant. :
:

**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF THE SETTLEMENT AGREEMENT**

AND NOW, this 29th day of February, 2016, upon consideration of

Plaintiff's Unopposed Motion for Preliminary Approval of the Settlement Agreement, the Court grants Plaintiff's Motion and ORDERS as follows:

1. The Parties' Settlement Agreement is preliminarily approved as fair, reasonable and adequate pursuant to FED. R. CIV. P. 23(e), and a fair and reasonable resolution of a *bona fide* dispute under the Fair Labor Standards Act;

2. For settlement purposes, the following Settlement Class is preliminarily certified pursuant to FED. R. CIV. P. 23, pending final approval of the settlement:

all employees who have worked for Applied in a job paid on a daily rate basis in any workweeks between February 25, 2012 and the date of preliminary approval, except for individuals who held only jobs with titles of 'Project Manager' or containing the word 'Chief'; 'Administrative'; or 'Office,';

3. Plaintiff Tommy L. Fenley is preliminarily approved as the Representative of the Settlement Class;

4. Berger & Montague, P.C. is preliminarily approved as Class Counsel for the Settlement Class;

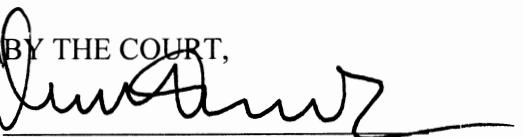
5. The Angeion Group is preliminarily approved as Settlement Administrator and the costs of settlement administration are preliminarily approved;

6. The proposed plan of notice to the Class Members, including approving the Notices and Telephone Script attached to the Settlement Agreement as Exhibits A-D are approved, and shall be sent out pursuant to the terms of the Settlement Agreement; and

7. The following schedule and procedures for completing the final approval process as set forth in the parties' Settlement Agreement are hereby approved:

Applied to send CAFA Notice	Within ten (10) days after submission of the Settlement Agreement to the Court
Mailing of Class Notice	Within twenty (20) business days after the Court's Preliminary Approval Order
Plaintiff's Motion for Approval of Attorneys' Fees and Costs	Thirty (30) days after the Settlement Administrator initially mails the Notice
Deadline to submit objections or requests for exclusion	Forty-five (45) days after the Settlement Administrator initially mails the Notice
Plaintiff's Motion for Final Approval	Five (5) business days prior to Final Approval Hearing
Final Approval Hearing	At the Court's convenience, at least 100 days after the Court's Preliminary Approval Order

8. The Final Approval Hearing is hereby set for June 16, 2016 at
4:00 a.m. (p.m.), in Courtroom 6A, U.S. Courthouse, 700 Grant Street, Pittsburgh, PA
15219.

BY THE COURT,

Honorable Mark R. Hornak
United States District Judge